MINUTES OF
VILLAGE COUNCIL REGULAR MEETING
JUNE 27, 2017

395 MAGNOLIA ROAD
ASSEMBLY HALL
PINEHURST, NORTH CAROLINA
4:30 P.M.

The Pinehurst Village Council held a Regular Meeting at 4:30 p.m., Tuesday, June 27, 2017 in the Assembly Hall of the Pinehurst Village Hall, 395 Magnolia Road, Pinehurst, North Carolina. The following were in attendance:

Ms. Nancy Roy Fiorillo, Mayor
Ms. Claire L. Berggren, Councilmember
Mr. John Bouldry, Councilmember
Mr. Clark Campbell, Councilmember
Mr. John R. Cashion, Mayor Pro-Tem
Mr. Jeff Batton, Assistant Village Manager
Ms. Lauren M. Craig, Village Clerk

And approximately 20 attendees, including 4 staff and 1 press.

1. **Call to Order.**
Mayor Nancy Roy Fiorillo called the meeting to order.

2. **Invocation and Pledge of Allegiance.**
John Kinyon of Redeemer Church led the invocation and Mayor Fiorillo led everyone in the Pledge of Allegiance.

3. **Reports.**
Manager
- No reports.

Council
- No report.

4. **Motion to Approve Consent Agenda.**

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Village Council.

A. Consider a resolution of appreciation honoring John Gaida for his service on the Pinehurst Community Watch.
B. Public Safety Reports.
Police Department
Fire Department
C. Approval of Draft Village Council Meeting Minutes.
May 9 Work Session
May 9 Closed Session
May 15 Budget Work Session
May 23 Regular Meeting
D. Consider a budget amendment to reclassify expenditure.

End of Consent Agenda.

Councilmember Cashion made a motion to approve the Consent Agenda. It was seconded by Councilmember Bouldry. Prior to taking a vote, Councilmember Campbell commented he would like to remove the May 23 Regular Meeting Minutes from the Consent Agenda to be approved at a later date.

Upon a motion by Councilmember Cashion, seconded by Councilmember Bouldry, Council unanimously approved the Consent Agenda with the May 23 Regular Meeting Minutes removed from the list of items by a vote of 5-0.

5. **Consider appointing Leo Santowasso as the new Chairperson for the Planning and Zoning Board.**
Council discussed the opportunity to appoint Leo Santowasso as the new Chairperson of the Planning and Zoning Board. Upon a motion by Councilmember Campbell, seconded by Councilmember Berggren, Council approved Resolution 17-17 approving Leo Santowasso as the new Chairman for the Planning and Zoning Board by a vote of 5-0.

6. **Motion to Recess Regular Meeting and Enter Into a Public Hearing.**
Upon a motion by Councilmember Bouldry, seconded by Councilmember Cashion, Council approved to recess the regular meeting and enter into a public hearing by a vote of 5-0.

7. **Public Hearing No. 1**
The purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance. Specifically, Section 8.6, SR-2(4), "Dwelling, Townhouse/Cluster Dwellings", Section 8.6, SR-3(1), "Dwelling, Multi-Family"; and, Section 10.2, "Definitions". These amendments would require a minimum of 1,500 heated square feet for townhouse/cluster dwellings and multi-family dwellings; and, add a definition for "Heated Square Footage". The applicant is John E. Farrell.

Principal Planner Bruce Gould explained the purpose of the public hearing is to consider Official Text Amendments to the Pinehurst Development Ordinance. Specifically, Section 8.6, SR-2(4), "Dwelling, Townhouse/Cluster Dwellings", Section 8.6, SR-3(1), "Dwelling, Multi-Family"; and, Section 10.2, "Definitions". These amendments would require a minimum of 1,500 heated square feet for townhouse/cluster dwellings and multi-family dwellings; and, add a definition for "Heated Square Footage". Mr. Gould explained the P&Z Board recommended a modified definition of heated square feet from what the applicant submitted be applied to single family homes and also be added to townhouse, cluster dwelling and multi-family dwellings. He shared the new definition reads as follows: "Heated square feet of a dwelling unit is space that is intended for occupancy that is heated by a conventional heating system or systems that are permanently installed." The Planning and Zoning Board also asked that the Village Council initiate them to study the issue of requiring a minimum size of 1,500 square feet heated or unheated for all dwellings in the village. Council held a discussion about the request.

The applicant John Farrell said his intention has nothing to do with reducing the size of dwelling units. He said the purpose is to bring clarity, consistency, and comparability to the requirements in the PDO for measuring dwelling units. He said heated square footage is used as the recognized way to specify the size of a dwelling unit and therefore adding the term heated square feet reinforces the fact that all calculations will be treated the same.

Public Comments:

- Dave Leonard commented that heated square footage that is not finished is not included in the calculation according to his realtor.

8. **Motion to Adjourn the Public Hearing and Re-Enter the Regular Meeting.**

Upon a motion by Councilmember Campbell, seconded by Councilmember Bouldry, Council approved to adjourn the public hearing and re-enter the regular meeting by a vote of 5-0.

9. **Consider an ordinance amending the Pinehurst Development Ordinance Section 8.6, SR-2(4), "Dwelling, Townhouse/Cluster Dwellings", Section 8.6, SR-3(1), "Dwelling, Multi-Family"; and, Section 10.2, "Definitions".**
Upon a motion by Councilmember Campbell, seconded by Councilmember Berggren, Council approved Ordinance 17-09 amending the Pinehurst Development Ordinance to require a minimum of 1,500 heated square feet for townhouse/cluster dwellings and multi-family dwellings; and add a definition for "Heated Square Footage" and that the proposed amendments to the Pinehurst Development Ordinance are consistent with the goals outlined in the 2010 Comprehensive Long Range Plan and are considered reasonable and in the best interest of the public as referenced in the memorandum dated June 22, 2017 from Bruce Gould, Principal Planner. The motion was approved by a vote of 5-0. Council suggested for the Planning and Zoning Board revisit the minimum square footage for different dwellings and the calculation of unfinished basements.

10. **Consider a land swap between the Village and Frank Maser.**
Assistant Village Manager Jeff Batton explained this item is to consider an exchange of 5.88 acres currently owned by Mr. Frank Maser for .60 acres of Village of Pinehurst property. Mr. Maser's property is located behind the Bretton Woods Townhome development and the Village's property is located behind the Old Fire Station at 45 Community Road. Audience member Leo Santowasso commented that the larger tract is landlocked but Jeff Batton said there is an easement off of Diamondhead Drive through resort owned property and that the resort has agreed to provide an additional easement off an adjacent property that they own.

    Upon a motion by Councilmember Campbell, seconded by Councilmember Bouldry, Council approved Resolution 17-19 approving the exchange of property owned by the Village of Pinehurst located at 105 Power Plant Road South with property owned by Mr. Frank Maser located at 2402 Wentworth Circle by a vote of 5-0.

11. **Consider extending a contract for on-call engineering services with McGill Associates.**
Assistant Village Manager Jeff Batton explained this agenda item is to consider extending the on-call engineering services contract with McGill Associates through the 2018 fiscal year. McGill Associates has been the on-call engineer for the Village since 2008. As such, they have a complete and comprehensive understanding of the Village's Engineering Standards Manual and the PDO.

    Upon a motion by Councilmember Campbell, seconded by Councilmember Cashion, Council approved the contract for on-call engineering services with McGill Associates for FY 2018 by a vote of 5-0.

12. **Consider a solid waste contract for CCNC with Lofton Garbage Services.**
Assistant Village Manager Jeff Batton explained this agenda item is to consider extending a contract for solid waste services for CCNC to Lofton Garbage Services. Lofton Garbage Services is a third generation provider of these services to CCNC and is one of two authorized providers to CCNC residents. He explained the new contract provides an increase of 2.1% based on the CPI and the estimated annual contract expenditure is $95,000.

    Upon a motion by Councilmember Cashion, seconded by Councilmember Campbell, Council approved the contract for solid waste services for CCNC to Lofton Garbage Services for FY 2018 by a vote of 5-0.

13. **Approve a contract leasing Village property for concession services.**
Dave White explained the Parks and Recreation Department recently advertised for bids to operate the concession stand located at Cannon Park. He explained the Village received two bids and would like to

recommend that the Village enter into a contract with Chubby Cubbyz to operate concessions beginning on July 1, 2017 for a term of one year.

Upon a motion by Councilmember Campbell, seconded by Councilmember Berggren, Council approved the contract with Chubby Cubbyz to operate the concession stand at Cannon Park for FY 2018 by a vote of 5-0.

14. Other Business.

- Councilmember Campbell said he came across a situation in the Village where we have a requirement that if you are within 300 ft. of the nearest sewer as measured using the right of way that you have to hook up to the public sewer. He also said we do not allow private utilities in the right of way. Councilmember Campbell said we should allow an exception to permit private utilities use of the right-of-way in those instances. Bruce Gould explained due to topographical reasons there have been exceptions made to allow septic tanks in a few rare occasions. Councilmember Campbell asked for this to be a topic of conversation at a future work session.
- Councilmember Campbell explained his reasoning to move the May 23 minutes off the Consent Agenda due to the discussion that happened at that meeting regarding the vote taken that his absence be unexcused and his vote be in the affirmative. He said it doesn't agree that an absent Councilmember is an affirmative vote. Mayor Fiorillo said she received this advice and the Council can look into this further at the work session.
- Mayor Fiorillo said there have been issues downtown and she suggests she and Councilmember Berggren work with the downtown Business Partners to find a way to better communicate.

15. Comments from Attendees.

- Leo Santowasso thanked the Council for the great opportunity to lead the Planning and Zoning Board.
- Kathy Spangler said she is concerned about the aging infrastructure. She lives off of St. Andrews and her roads have never been totally resurfaced. She shared pictures of 4/10 of a mile in her neighborhood of issues from patch jobs and paving issues. She said she wants her street repaved and she is tired of her electricity going off several times a year. Jeff Batton explained the process staff takes for resurfacing each year.
- John Root commented there is no effort to tell people where the additional handicapped parking spaces are behind Village Hall. He suggested a sign that says "handicapped parking in the rear" and a few other signs. He also suggested a cut in the semi-circle in front of Village Hall to allow handicap access.

16. Motion to Adjourn.

Councilmember Cashion moved to adjourn the Regular Meeting. The motion was seconded by Councilmember Campbell and carried unanimously. The Regular Meeting adjourned at 5:40p.m.

Respectfully Submitted,
Lauren M Craig
Lauren M. Craig
Village Clerk